innocent until his guilt is proved to the satisfaction of the jury beyond a reasonable doubt; but such doubt must not be a mere fanciful, vague, speculative, or possible doubt, but a reasonable, substantial doubt, remaining after a careful consideration of all the evidence.

Proof of defendant's guilt must be made so as to exclude all reasonable doubt. *U. S. v. Jackson,* 29 Fed. Rep. 503; *Warlatt v. People,* 104 Ill. 364. It is impossible to define precisely what a reasonable doubt is, and the expression is so simple that it is best used alone, *State v. Reed,* 62 Me. 129; *Mickey v. Commonwealth,* 72 Ky. 593. It must however be founded on a consideration of all the circumstances and evidence and not on mere conjecture or speculation, *Kennedy v. State,* 107 Ind. 144; and must not be a mere misgiving of the imagination or misplaced sympathy, *State v. Murphy,* 6 Ala. 845; but natural and substantial, not forced or fanciful, *State v. Bodekee,* 34 Iowa 520, but such an honest uncertainty existing in the minds of a candid, impartial and diligent jury as fairly strikes the conscientious mind and clouds the judgment. *Commonwealth v. Drum,* 58 Pa. St. 9; *Polin v. State,* 16 N. W. (Neb.) 898.

DAMAGES—INADEQUACY—PERSONAL INJURIES.—RICHARDSON V. MISSOURI FIRE BRICK CO., 99 S. W. 778 (Mo.).—Where, through defendant's negligence, an eleven-year-old boy's right elbow joint was permanently injured, so that he never would be able to extend the arm to the full length nor obtain its full use, and the injury caused him pain whenever he used it in a manner requiring strength in the elbow, *held,* that the trial court did not abuse its discretion in setting aside a verdict in his favor for $500 as being grossly inadequate.

Where damages are found inadequate the verdict will be set aside, on the same principles that apply when the damages are excessive. *Hale on Damages,* 233. It has been held that in actions of tort, as a general rule, the verdict will not be set aside because the damages were too small. The court refused, in an action for the negligent construction of a building, whereby it fell and injured the plaintiff, to grant a new trial, on the ground that the jury had given merely nominal damages,—there being no reason for supposing them to have been actuated by improper motives. *Howard v. Barnard,* 11 C. B. 652. A new trial will not be granted in personal actions, founded upon tort and sounding merely in damages, on the sole ground of the smallness of the amount of the damages recovered. *Pritchard v. Hewitt,* 91 Mo. 547. But the rule is now established otherwise. Where the damages found by the jury were so small as to show that they must have omitted to take into consideration some of the elements of damage, a new trial was granted. *Phillips v. Railway Co.,* 5 Q. B. D. 78. The power of the court to award a new trial when dissatisfied with the verdict, is not open to question and whether because the verdict is too large or too small, the principle is precisely the same. *McDonald v. Walter,* 40 N. Y. 551.

EVIDENCE—PAROL EVIDENCE TO VARY WRITING—ILLEGALITY OF CONTRACT. —TWENTIETH CENTURY CO. V. QUILLING, 110 N. W. 174 (WIS.).—*Held,* that where a contract is against public policy, the parties cannot, by reducing an unobjectionable part of it to writing, prevent the reception of parol evidence to show the entire agreement, although the entire contract be inconsistent with the written paper.